

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 20, 2009

DIVISION TWO

B213736 People (Not for Publication)
v.
Duran

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

B215377 People (Not for Publication)
v.
Martinez

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B201439 Dowell, et al. (Not for Publication)
v.
Biosense Webster Inc.

The judgment is affirmed. The parties to bear their own costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION TWO (continued)

B210334 Department of Transportation (Certified for Publication)
v.
State Personnel Board
Lee B. Kendrick, III

The judgment is affirmed. The appeal from the writ is dismissed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B212928 Goodman (Not for Publication)
v.
Ballin, et al.

The orders granting the motion to strike and dismissing the complaint are affirmed. Respondents are awarded their costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B204796 Mendoza, et al. (Not for Publication)
v.
Los Angeles Department of Water and Power

The judgment is affirmed. LADWP is entitled to recover its costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
Chavez, J.

DIVISION THREE

B214525 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 T.W.

The order of the juvenile court is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Willhite, Acting P.J., Manella, J., Suzukawa, J. and V. Guzman, Deputy Clerk.

Each of the following:

B213401 People v. Burgess
B212120 People v. Pinckney
B216100 DCFS v. T.W.

Argument waived, cause submitted.

B210649 L.A. Arena Funding
 v.
 Navarro, et al.

Merits:

Argued by Richard D. Buckley for appellant and by Jeffrey C. Sparks for respondents. Cause submitted.

DIVISION FOUR (continued)

B209704 Williams
 v.
 Perez

Merits:

Argued by Gerlean Williams appellant in propria persona and no brief having been filed by respondent. Cause submitted.

B212591 Kramer, et al.
 v.
 Community Redevelopment Agency of the City of Los Angeles, et al.

Merits:

Argued by Allison E. Burns for appellants, by JoAnn Victor for respondent Community Redevelopment Agency and by Gabriel S. Dermer, Deputy City Attorney for respondent City of Los Angeles. Cause submitted.

B214056 Rosenberg, et al.
 v.
 Screen Actors Guild

Merits:

Argued by Eric M. George for appellants and by Daniel Alberstone for respondent. Cause submitted.

Court adjourned.

B211131 Sage Engineering, Inc.
 v.
 Woeller

Filed order denying petition for rehearing.

DIVISION FIVE

B211268 People (Not for Publication)
v.
Aaron Stapleton

The judgment is modified to reflect the award of presentence custody credits of 836 days. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

[illegible]

The appeal is dismissed.

Turner, P.J.

We concur: Armstrong, J.
Kriegler, J.

B211624 Irvin Strub M.D.
v.
Southern California Permanente Medical Group, et al.

Filed order denying petition for rehearing.

B209337 Ronald C. Stock
v.
Law Offices of Herbert Hafif, APC,

Filed order denying petition for rehearing.

DIVISION SIX

B212569 People (Not for Publication)
v.
Adame

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B212337 Alvis (Certified for Publication)
v.
County of Ventura

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

[illegible]

We modify the judgment to stay the prison term for count 3, but otherwise affirm.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SIX (continued)

B213564 People (Not for Publication)
v.
Ronnie Earl Howell

The judgment is modified to strike the second and third prior prison term allegation. The trial court shall prepare an amended abstract of judgment reflecting the modification and forward the amended abstract to the Department of Corrections. The judgment is otherwise affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B211005 People (Not for Publication)
v.
Michael Payne

The trial court sentenced Payne to 25 years to life on count one, first degree murder. It imposed a 25-year consecutive term for the firearm enhancement. It then stated, "For the gang findings pursuant to Penal Code section 186.22 (B)(1)(C), the court is going to impose an additional ten years consecutive." But because the court had sentenced Payne to 25 years to life, the 10-year gang enhancement was unauthorized. (*People v. Lopez* (2005) 34 Cal.4th 1002, 1007.)

The 10-year gang enhancement is stricken. In all other respects, the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SIX (continued)

B211431 Burlage, et al., (Certified for Publication)
v.
Ventura County Superior Court
(Spencer, r.p.i.)

We deny the petition for writ of mandate. We affirm the trial court's order vacating the arbitration award. Spencer shall recover costs.

Gilbert, P.J.

I concur: Yegan, J.
I dissent: Perren, J. (Opinion)

DIVISION SEVEN

B209458 Los Angeles County, D.C.F.S. (Certified for Publication)
v.
E. G.,

The orders of the superior court are reversed. The case is remanded for further proceedings consistent with section 366.3 and this opinion.

Zelon, J.

We concur: Woods, Acting P.J.
Jackson, J.

B211823 People (Not for Publication)
v.
James

The judgment is affirmed.

Jackson, J.

We concur: Woods, Acting P.J.
Zelon, J.

DIVISION SEVEN (continued)

B208526 Hatfield (Not for Publication)
v.
City of Los Angeles, et al.

The judgment is reversed with respect to the trial court's rejection of the Board's finding of malice. The trial court is directed to vacate its April 22, 2008 order granting in part the petition for a writ of mandate and to enter a new order denying the petition in its entirety. In all other respects the judgment is affirmed. The parties shall bear their own costs on appeal.

Perluss, P.J.

We concur: Zelon, J.
 Jackson, J.

B209443 Choudhury (Not for Publication)
v.
Lancaster Realty Holdings

The judgment and order are affirmed. Each party to bear their own costs.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B211628 Warren (Not for Publication)
v.
Turner

The judgment is affirmed. Samuel is entitled to his costs of appeal.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION SEVEN (continued)

[illegible]

The judgment is affirmed. Respondent(s) to recover costs.

Jackson, J.

We concur: Perluss, P.J.
Zelon, J.

B210494 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Chastity B., et al.
Marlene B., et al.

The judgment is affirmed.

Zelon, J.

We concur: Woods, Acting P.J.
Jackson, J.

B205788 Lindmark (Not for Publication)
v.
Heuer et al.,

The judgment of the superior court is affirmed. Each party to bear its own costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Jackson, J.

DIVISION SEVEN (continued)

B204943 In re Baycol Cases I and II (Not for Publication)

The appeal is dismissed as to the class claims and as to the order denying reconsideration. The judgment of dismissal is reversed as to Shaw's individual claims only. The trial court is directed to vacate its order sustaining Bayer's demurrer without leave to amend as to Shaw's individual claims and to enter a new and different order sustaining demurrer with leave to amend as to Shaw's UCL claim and without leave to amend as to his CLRA claim. The parties are to bear their own costs on appeal.

Jackson, J.

We concur: Perluss, P.J.
 Woods, J.

B210123 Ricketts, et al.
 v.
 McCormack, et al.
 Rosenberg

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B212593 People
 v.
 Benhoor

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)